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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

11 In re Case No. 10-72883
12 LILIAN GRACE PICKETT ABRENICA, Chapter 13
13 Debtor. STIPULATION RE: AVOIDANCE OF LIEN

This Stipulation is entered into by and between LILIAN GRACE PICKETT ABRENICA
(hereinafter referred to as "Debtor"), by and through her attorney of record, Corrine Bielejeski; and
JPMorgan Chase Bank, National Association (hereinafter referred to as "Creditor"), by and through
its attorney of record Pite Duncan, LLP.

RECITALS

20 A. Debtor is the maker of a Note in favor of SCME Mortgage Bankers, Inc. (hereinafter
21 "Lender") Creditor dated September 14, 2006, in the original principal amount of \$70,000.00
22 ("Note"), which is secured by a Second Deed of Trust encumbering the real property at 4797 Fair
23 Avenue, Oakland, California 94619 (the "Subject Property"). The Subject Property is more fully
24 described in the Deed of Trust attached hereto as exhibit "A", which is incorporated herein by this
25 reference. The Note and Second Deed of Trust are collectively referred to hereinafter as the
26 "Subject Loan."

27 B. Subsequently, Lender's beneficial interest in the Deed of Trust was sold, assigned and
28 transferred to Creditor. A true and correct copy of the Corporation Assignment of Deed of Trust

1 evidencing the Assignment of the Deed of Trust to Creditor is attached hereto as exhibit B and
2 incorporated herein by reference.

3 C. On November 8, 2010, Debtor filed a voluntary petition under Chapter 13 of the
4 Bankruptcy Code in the United States Bankruptcy Court for the Northern District of California, and
5 was assigned Case No. 10-72883.

6 **FOR PURPOSES OF THE DEBTOR'S CHAPTER 13 PLAN ONLY, THE PARTIES**
7 **HEREBY STIPULATE AND AGREE TO AN ORDER AS FOLLOWS:**

8 1. Creditor's claim shall be allowed as a non-priority general unsecured claim in the
9 amount of \$71,878.35. Creditor shall file an amended Proof of Claim listing its claim as unsecured
10 to be paid in accordance with the Debtor's Plan;

11 2. The avoidance of Creditor's Second Deed of Trust is contingent upon the Debtor's
12 completion of her Chapter 13 plan and the Debtor's receipt of a Chapter 13 discharge;

13 3. Upon receipt of the Debtor's Chapter 13 discharge and completion of her Chapter 13
14 Plan, this Stipulation and the Order to follow may be recorded by the Debtor with the Alameda
15 County Recorder's Office;

16 4. Creditor shall retain its lien for the full amount due under the Subject Loan in the
17 event of either the dismissal of the Debtor's Chapter 13 case or the conversion of the Debtor's
18 Chapter 13 case to any other Chapter under the United States Bankruptcy Code;

19 5. In the event that the holder of the first lien on the Subject Property forecloses on its
20 security interest and extinguishes Creditor's Second Deed of Trust prior to the Debtor's completion
21 of her Chapter 13 Plan and receipt of a Chapter 13 discharge, Creditor's lien shall attach to the
22 surplus proceeds of the foreclosure sale for the full amount of the Subject Loan balance at the time
23 of the sale; and

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1 6. Each party shall bear their own attorneys' fees and costs incurred in the present
2 stipulation in bankruptcy case number 10-72883.

3 IT IS SO STIPULATED:

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5 Dated: 1/27/11

6 By: 
7 CORRINE BIELEJESKI
8 Attorney for Debtor

9

10 PITE DUNCAN, LLP

11 Dated: 1/28/11

12 By: /s/ Erin L. Laney
13 ERIN L. LANEY
14 Attorney for Creditor